

**Senate Study Bill 1035 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

**A BILL FOR**

1 An Act relating to the conduct of election recounts, providing  
2 penalties, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 43.56, subsection 1, paragraphs a, b, and  
2 c, Code 2023, are amended to read as follows:

3 a. One person or two designees, according to the population  
4 of the county as provided in section 50.48, subsection 3,  
5 paragraph "a", chosen by the candidate requesting the recount,  
6 who shall be named in the written request when the request is  
7 filed.

8 b. One person or two designees, according to the population  
9 of the county as provided in section 50.48, subsection 3,  
10 paragraph "a", chosen by the candidate who received the highest  
11 number of votes for the nomination being recounted at or before  
12 the time the board is required to convene. However, if the  
13 candidate who requested the recount received more votes than  
14 anyone else for the nomination, the candidate who received the  
15 second highest number of votes shall ~~designate this person~~  
16 choose the designee or designees, as applicable, to serve on  
17 the recount board.

18 c. ~~A third person mutually agreeable to the board members~~  
19 ~~designated by the candidates~~ One or three persons, according  
20 to the population of the county as provided in section  
21 50.48, subsection 3, paragraph "a", who are precinct election  
22 officials selected by the chief judge of the judicial district  
23 in which the canvass occurs at or before the time the board is  
24 required to convene.

25 Sec. 2. Section 50.12, Code 2023, is amended to read as  
26 follows:

27 **50.12 Return and preservation of ballots.**

28 Immediately after making the proclamation, and before  
29 separating, the board members of each precinct in which votes  
30 have been received by paper ballot shall enclose in an envelope  
31 or other container all ballots which have been counted by them,  
32 except those endorsed "Rejected as double", "Defective", or  
33 "Objected to", and securely seal the envelope. The signatures  
34 of all board members of the precinct shall be placed across  
35 the seal or the opening of the container so that it cannot

1 be opened without breaking the seal. The precinct election  
2 officials shall return all the ballots to the commissioner,  
3 who shall carefully preserve them for six months. Ballots  
4 from elections for federal offices shall be preserved for  
5 twenty-two months. The sealed packages containing voted  
6 ballots shall be opened only for an official recount authorized  
7 by [section 50.48](#), [or 50.49](#), ~~or 50.50~~, for an election contest  
8 held pursuant to [chapters 57 through 62](#), to conduct an audit  
9 pursuant to [section 50.50 or 50.51](#), or to destroy the ballots  
10 pursuant to [section 50.19](#).

11 Sec. 3. Section 50.24, subsections 1 and 4, Code 2023, are  
12 amended to read as follows:

13 1. The county board of supervisors shall meet to canvass  
14 the vote on the first ~~Monday~~ or Tuesday after the day of  
15 each election to which [this chapter](#) is applicable, unless  
16 the law authorizing the election specifies another date for  
17 the canvass. If that ~~Monday~~ or Tuesday is a public holiday,  
18 section 4.1, subsection 34, controls.

19 4. For a regular or special city election or a city runoff  
20 election, if the city is located in more than one county, the  
21 controlling commissioner for that city under [section 47.2](#) shall  
22 conduct a second canvass on the second ~~Monday~~ or Tuesday after  
23 the day of the election. However, if a recount is requested  
24 pursuant to [section 50.48](#), the controlling commissioner shall  
25 conduct the second canvass within two business days after the  
26 conclusion of the recount proceedings. Each commissioner  
27 conducting a canvass for the city pursuant to [subsection 1](#)  
28 shall transmit abstracts for the offices and public measures of  
29 that city to the controlling commissioner for that city, along  
30 with individual tallies for each write-in candidate. At the  
31 second canvass, the county board of supervisors of the county  
32 of the controlling commissioner shall canvass the abstracts  
33 received pursuant to [this subsection](#) and shall prepare a  
34 combined city abstract stating the number of votes cast in the  
35 city for each office and on each question on the ballot for

1 the city election. The combined city abstract shall further  
2 indicate the name of each person who received votes for each  
3 office on the ballot, the number of votes each person named  
4 received for that office, and the number of votes for and  
5 against each question submitted to the voters at the election.  
6 The votes of all write-in candidates who each received less  
7 than five percent of the total votes cast in the city for  
8 an office shall be reported collectively under the heading  
9 "scattering".

10 Sec. 4. Section 50.24, subsection 5, paragraph a, Code 2023,  
11 is amended to read as follows:

12 a. For a regular or special school election, if the school  
13 district is located in more than one county, the controlling  
14 commissioner for that school district under [section 47.2](#) shall  
15 conduct a second canvass on the second ~~Monday~~ or Tuesday after  
16 the day of election. However, if a recount is requested  
17 pursuant to [section 50.48](#), the controlling commissioner shall  
18 conduct the second canvass within two business days after the  
19 conclusion of the recount proceedings. Each commissioner  
20 conducting a canvass for the school district pursuant to  
21 subsection 1 shall transmit abstracts for the offices and  
22 public measures of that school district to the controlling  
23 commissioner for that school district, along with individual  
24 tallies for each write-in candidate. At the second canvass the  
25 county board of supervisors of the controlling county shall  
26 canvass the abstracts received pursuant to [this subsection](#) and  
27 shall prepare a combined school district abstract stating the  
28 number of votes cast in the school district for each office and  
29 on each question on the ballot for the school election. The  
30 combined school district abstract shall further indicate the  
31 name of each person who received votes for each office on the  
32 ballot, the number of votes each person named received for that  
33 office, and the number of votes for and against each question  
34 submitted to the voters at the election. The votes of all  
35 write-in candidates who each received less than five percent of

1 the total votes cast in the school district for an office shall  
2 be reported collectively under the heading "scattering".

3 Sec. 5. Section 50.48, subsection 1, Code 2023, is amended  
4 to read as follows:

5 1. *a.* ~~The~~ Except as provided in paragraph "b", the county  
6 board of canvassers shall order a recount of the votes cast for  
7 a particular office or nomination in ~~one or more~~ all specified  
8 election precincts in that county if a written request for a  
9 recount is ~~made~~ filed with the commissioner of that county not  
10 later than 5:00 p.m. on the ~~third~~ second day following the  
11 county board's canvass of the election in question. For a city  
12 runoff election held pursuant to [section 376.9](#), the written  
13 request must be ~~made~~ filed with the commissioner of that county  
14 not later than 5:00 p.m. on the day following the county  
15 board's canvass of the city runoff election. ~~The request shall~~  
16 ~~be filed with the commissioner of that county and shall be~~  
17 ~~signed by either of the following:~~

18 ~~(1) A candidate for that office or nomination whose name was~~  
19 ~~printed on the ballot of the precinct or precincts where the~~  
20 ~~recount is requested.~~

21 ~~(2) Any other person who receives votes for that particular~~  
22 ~~office or nomination in the precinct or precincts where the~~  
23 ~~recount is requested and who is legally qualified to seek and~~  
24 ~~to hold the office in question.~~

25 b. The state commissioner shall order a recount of the  
26 votes cast for a statewide office, a seat in the United States  
27 Congress, or electors for president or vice president, or  
28 nominations for such offices, in each county specified in a  
29 written request if a written request for a recount is filed  
30 with the state commissioner not later than 5:00 p.m. on the  
31 second day following the county canvass of the election in  
32 question.

33 c. A written request for a recount shall indicate whether  
34 the recount shall be conducted only using automated tabulating  
35 equipment or by a hand recount following the use of automatic

1 tabulating equipment. If a candidate requests a hand recount  
2 in one county, the candidate shall also request a hand recount  
3 in each county in which the candidate requests a recount. The  
4 request shall be signed by either of the following:

5 (1) A candidate for that office or nomination whose name  
6 was printed on a ballot in the county where the recount is  
7 requested.

8 (2) Any other person who receives votes for that particular  
9 office or nomination in the county where the recount is  
10 requested and who is legally qualified to seek and to hold the  
11 office in question.

12 ~~b.~~ d. Immediately upon receipt of a request for a recount  
13 under paragraph "a", the commissioner shall send a copy of the  
14 request to the apparent winner by certified mail and the state  
15 commissioner by electronic mail. Immediately upon receipt  
16 of a request for a recount under paragraph "b", the state  
17 commissioner shall send a copy of the request to the apparent  
18 winner by certified mail and the commissioner of each county  
19 specified in the request by electronic mail. The commissioner  
20 or state commissioner who initially received the request for a  
21 recount shall also attempt to contact the apparent winner by  
22 telephone. If the apparent winner cannot be reached within  
23 four three days, the chairperson of the political party or  
24 organization which nominated the apparent winner shall be  
25 contacted and shall act on behalf of the apparent winner,  
26 if necessary. For candidates for state or federal offices,  
27 the chairperson of the state party shall be contacted. For  
28 candidates for county offices, the county chairperson of the  
29 party shall be contacted.

30 Sec. 6. Section 50.48, subsection 2, Code 2023, is amended  
31 by adding the following new paragraph:

32 NEW PARAGRAPH. c. (1) Upon receipt of a written request  
33 for a hand recount involving a state office, including a seat  
34 in the general assembly, a seat in the United States Congress,  
35 or electors for president or vice president, forwarded by

1 the commissioner, the state commissioner shall verify that  
2 each request for a recount for that office submitted by that  
3 candidate included a request for a hand recount. For each  
4 request that did not include a request for a hand recount, the  
5 state commissioner shall assess a civil penalty of one hundred  
6 dollars against the candidate, to be deposited in the general  
7 fund of the state. The civil penalty shall first be deducted  
8 from the bond filed by the candidate.

9 (2) Upon verification that a candidate for a state office,  
10 including a seat in the general assembly, a seat in the United  
11 States Congress, or electors for president or vice president,  
12 submitted a written request for a hand recount in at least one  
13 but not all counties, the state commissioner shall, within six  
14 days following the county canvass of the election, inform each  
15 commissioner to which a hand recount was not requested that a  
16 hand recount shall be performed pursuant to this section.

17 Sec. 7. Section 50.48, subsections 3 and 4, Code 2023,  
18 are amended by striking the subsections and inserting in lieu  
19 thereof the following:

20 3. a. The recount shall be conducted by a board which shall  
21 consist of one of the following:

22 (1) For a county with a population of fewer than fifteen  
23 thousand according to the most recent federal decennial census,  
24 all of the following:

25 (a) A designee of the candidate requesting the recount,  
26 who shall be named in the written request when the request is  
27 filed.

28 (b) A designee of the apparent winning candidate, who shall  
29 be named by the candidate at or before the time the board is  
30 required to convene.

31 (c) A member who is a precinct election official selected by  
32 the chief judge of the judicial district in which the canvass  
33 occurs at or before the time the board is required to convene.

34 (2) For a county with a population of at least fifteen  
35 thousand but fewer than fifty thousand according to the most

1 recent federal decennial census, all of the following:

2 (a) A designee of the candidate requesting the recount,  
3 who shall be named in the written request when the request is  
4 filed.

5 (b) A designee of the apparent winning candidate, who shall  
6 be named by the candidate at or before the time the board is  
7 required to convene.

8 (c) Three members who are precinct election officials  
9 selected by the chief judge of the judicial district in which  
10 the canvass occurs at or before the time the board is required  
11 to convene.

12 (3) For a county with a population of fifty thousand or  
13 greater, all of the following:

14 (a) Two designees of the candidate requesting the recount,  
15 who shall be named in the written request when the request is  
16 filed.

17 (b) Two designees of the apparent winning candidate, who  
18 shall be named by the candidate at or before the time the board  
19 is required to convene.

20 (c) Three members who are precinct election officials  
21 selected by the chief judge of the judicial district in which  
22 the canvass occurs at or before the time the board is required  
23 to convene.

24 *b.* Members appointed to the recount board by the chief judge  
25 shall be selected consistent with section 49.13, subsection 2,  
26 for partisan offices and section 49.12 for nonpartisan offices.

27 *c.* The commissioner shall convene the persons designated  
28 under paragraph "a" not later than 9:00 a.m. on the sixth  
29 day following the county board's canvass of the election in  
30 question.

31 4. When all members of the recount board have been selected,  
32 the board shall undertake and complete the required recount as  
33 expeditiously as reasonably possible in the following manner:

34 *a.* The commissioner shall inform the board whether the  
35 candidate has requested a hand recount. The commissioner

1 or the commissioner's designee shall supervise the handling  
2 of ballots to ensure that the ballots are protected from  
3 alteration or damage.

4 *b.* The board shall direct the commissioner to retabulate  
5 the ballots using the automatic tabulating equipment. The same  
6 program used for tabulating the votes on election day shall be  
7 used at the recount unless the program is believed or known to  
8 be flawed.

9 *c.* The board shall recount only the ballots which were voted  
10 and counted for the office in question, including any disputed  
11 ballots returned as required in section 50.5.

12 *d.* After retabulating the ballots as provided in paragraph  
13 "*b*", the board shall compare the printed results of the  
14 tabulation equipment to the abstract prepared pursuant to the  
15 county board's canvass. The board shall note any discrepancies  
16 between the two results.

17 *e.* If the candidate's written request included a request  
18 for a hand recount, the board shall separate the ballots into  
19 piles: one for each candidate, one for write-in votes, and  
20 one for ballots considered an over or under count. The board  
21 shall review and tabulate the ballots in each pile as provided  
22 in section 49.98. The board shall compare the hand recount  
23 results to the printed results of the tabulation equipment and  
24 the abstract. If there are discrepancies between the three  
25 results, then the results of the hand recount shall control.

26 *f.* The ballots shall be resealed by the recount board before  
27 adjournment and shall be preserved as required by section  
28 50.12.

29 Sec. 8. Section 50.48, subsection 5, Code 2023, is amended  
30 to read as follows:

31 5. *a.* At the conclusion of the recount, the recount board  
32 shall make and file with the commissioner a written report of  
33 its findings signed by a majority of the recount board. The  
34 commissioner or commissioner's designee may assist in compiling  
35 the written report. The written report shall include a full

1 tally and accounting of ballots reviewed by the recount board  
2 and shall be reported as required by sections 50.24 and 53.20.  
3 The written report must allow the commissioner to correct the  
4 canvass of voters in the manner required by law, if applicable.

5 b. If the recount board's report is that the abstracts  
6 prepared pursuant to the county board's canvass were incorrect  
7 as to the number of votes cast for the candidates for the  
8 office or nomination in question, in that county or district,  
9 the commissioner shall at once so notify the county board. The  
10 county board shall reconvene within three days after being so  
11 notified, but no later than noon on the twenty-seventh day  
12 following the election in question for a recount of the offices  
13 of president and vice president, and shall correct its previous  
14 proceedings.

15 c. The recount board shall complete the recount and file its  
16 report as follows:

17 (1) For the offices of president and vice president, not  
18 later than the seventeenth day following the county board's  
19 canvass of the election in question.

20 (2) For a state office, including a seat in the general  
21 assembly, or a seat in the United States Congress, not later  
22 than the twenty-first day following the county board's canvass  
23 of the election in question.

24 (3) For any other office, not later than the thirteenth  
25 day following the county board's canvass of the election in  
26 question.

27 Sec. 9. Section 50.49, subsection 1, Code 2023, is amended  
28 by striking the subsection and inserting in lieu thereof the  
29 following:

30 1. a. A recount for any public measure shall be ordered  
31 by the board of canvassers not later than two days after  
32 the completion of the canvass of voters for the election if  
33 a petition requesting a recount is filed with the county  
34 commissioner of a county in which the question appeared on the  
35 ballot. The petition for a recount shall indicate whether the

1 recount shall be conducted only using automatic tabulating  
2 equipment or by a hand recount following the use of automatic  
3 tabulating equipment. If a petition requests a hand recount  
4 in one county, the petition shall also request a hand recount  
5 in each county in which the petition is filed. A petition must  
6 be filed by the person submitting the petition in each county  
7 in which the public measure appeared on the ballot. If the  
8 petition is not filed by the person submitting the petition in  
9 each county in which the public measure appeared on the ballot,  
10 a recount shall not be conducted.

11 *b.* The petition must be signed by the greater of ten  
12 eligible electors or a number of eligible electors equaling  
13 one percent of the total number of votes cast upon the public  
14 measure in the county. Each person signing the petition must  
15 be a person who was entitled to vote on the public measure in  
16 question or would have been so entitled if registered to vote.

17 *c.* Immediately upon receipt of a petition for a recount,  
18 the commissioner shall send a copy of the petition to the  
19 state commissioner by electronic mail. The state commissioner  
20 shall confirm that a petition was filed in every county the  
21 public measure appeared on the ballot prior to the convening of  
22 the recount board. The state commissioner shall also verify  
23 whether each petition for a recount included a request for  
24 a hand recount. If the state commissioner verifies that a  
25 petition included a request for a hand recount in at least one  
26 but not all counties, the state commissioner shall, prior to  
27 convening of the recount board, inform each commissioner at  
28 which a hand recount was not requested that a hand recount  
29 shall be performed.

30 Sec. 10. Section 50.49, subsection 2, paragraph b, Code  
31 2023, is amended by striking the paragraph and inserting in  
32 lieu thereof the following:

33 *b.* Two members who are precinct election officials selected  
34 by the chief judge of the judicial district in which the  
35 canvass occurs at or before the time the board is required to

1 convene. The members shall be selected consistent with section  
2 49.12.

3 Sec. 11. Section 50.49, subsection 2, paragraph c, Code  
4 2023, is amended by striking the paragraph.

5 Sec. 12. Section 50.49, subsection 3, Code 2023, is amended  
6 by striking the subsection and inserting in lieu thereof the  
7 following:

8 3. The commissioner shall convene the recount board not  
9 later than 9:00 a.m. on the sixth day following the county  
10 board's canvass of the election in question.

11 Sec. 13. Section 50.50, Code 2023, is amended to read as  
12 follows:

13 **50.50 Administrative ~~recounts~~ audits.**

14 1. The commissioner who was responsible for conducting an  
15 election may request an administrative ~~recount~~ audit when the  
16 commissioner is informed or suspects that voting equipment used  
17 in the election malfunctioned or that programming errors may  
18 have affected the outcome of the election, or if the precinct  
19 election officials report counting errors to the commissioner  
20 after the conclusion of the canvass of votes in the precinct.  
21 An administrative ~~recount~~ audit shall be conducted by the board  
22 of the special precinct established by [section 53.23](#). ~~Bond~~  
23 ~~shall not be required for an administrative recount.~~ The  
24 state commissioner may adopt rules for administrative ~~recounts~~  
25 audits.

26 2. ~~If the recount board finds that there is an error~~  
27 ~~in the programming of any voting equipment which may have~~  
28 ~~affected the outcome of the election for any office or public~~  
29 ~~measure on the ballot, the recount board shall describe the~~  
30 ~~errors in its report to the commissioner. The commissioner~~  
31 ~~shall notify the board of supervisors. The supervisors shall~~  
32 ~~determine whether to order an administrative recount for any~~  
33 ~~or all of the offices and public measures on the ballot. Each~~  
34 ~~political party, as defined in section 43.2, may appoint up~~  
35 ~~to five observers to witness an audit conducted pursuant to~~

1 this section. The observers shall be appointed by the county  
2 chairperson or, if the county chairperson fails to make an  
3 appointment, by the state chairperson. However, if either or  
4 both political parties fail to appoint an observer, the board  
5 may continue with the proceedings.

6 Sec. 14. Section 50.51, subsection 3, paragraph a, Code  
7 2023, is amended by striking the paragraph.

8 Sec. 15. Section 60.2, Code 2023, is amended to read as  
9 follows:

10 **60.2 Clerk.**

11 ~~The secretary of state~~ clerk of the supreme court shall be  
12 the clerk of the court, or, in the ~~secretary of state's~~ clerk  
13 of the supreme court's absence or inability to act, the ~~clerk~~  
14 ~~of the supreme court~~ secretary of state.

15 Sec. 16. Section 61.2, Code 2023, is amended to read as  
16 follows:

17 **61.2 Clerk.**

18 ~~The secretary of state~~ clerk of the supreme court shall be  
19 the clerk of this court; ~~but if the person holding that office~~  
20 ~~is a party to the contest, the clerk of the supreme court, or,~~  
21 ~~in case of that person's absence or inability, the auditor of~~  
22 ~~state shall be clerk, or, in the~~ clerk of the supreme court's  
23 absence or inability to act, the secretary of state. If the  
24 person holding the office of secretary of state is a party to  
25 the contest, the auditor of state shall be clerk.

26 Sec. 17. Section 260C.15, subsection 5, Code 2023, is  
27 amended to read as follows:

28 5. The votes cast in the election shall be canvassed and  
29 abstracts of the votes cast shall be certified as required by  
30 section 277.20. In each county whose commissioner of elections  
31 is the controlling commissioner for a merged area under section  
32 47.2, the county board of supervisors shall convene on the  
33 ~~second Monday or~~ Tuesday after the day of the election to  
34 canvass the abstracts of votes cast from each county in the  
35 merged area, and declare the results of the voting. The

1 commissioner shall at once issue certificates of election to  
2 each person declared elected, and shall certify to the merged  
3 area board in substantially the manner prescribed by section  
4 50.27 the result of the voting on any public question submitted  
5 to the voters of the merged area. Members elected to the board  
6 of directors of a merged area shall qualify by taking the oath  
7 of office prescribed in [section 277.28](#).

8 Sec. 18. EFFECTIVE DATE. This Act, being deemed of  
9 immediate importance, takes effect upon enactment.

10

EXPLANATION

11  
12

The inclusion of this explanation does not constitute agreement with  
the explanation's substance by the members of the general assembly.

13

This bill relates to the conduct of election recounts.

14

The bill changes the composition of recount boards based  
15 on the population of the county. For a county of fewer than  
16 15,000, the board shall consist of a designee of the candidate  
17 requesting the recount, a designee of the apparent winning  
18 candidate, and a person who is a precinct election official  
19 selected by the chief judge of the judicial district in which  
20 the canvass occurs. For a county with a population between  
21 15,000 and 49,999, the board shall consist of a designee of the  
22 candidate requesting the recount, a designee of the apparent  
23 winning candidate, and three persons who are precinct election  
24 officials selected by the chief judge of the judicial district  
25 in which the canvass occurs. For a county with a population  
26 of 50,000 or greater, the board shall consist of two designees  
27 of the candidate requesting the recount, two designees of the  
28 apparent winning candidate, and three persons who are precinct  
29 election officials selected by the chief judge of the judicial  
30 district in which the canvass occurs. Members appointed by  
31 the chief judge for the recount of a partisan election shall  
32 not be comprised of more than one-third of persons who are not  
33 members of either of the two political parties whose candidates  
34 for president received the most or next-most votes at the last  
35 general election for a partisan election and not more than a

1 simple majority of members appointed by a chief judge shall be  
2 from the same political party or organization.

3 The bill removes the first and second Monday after an  
4 election as a possible date for canvassing an election.

5 The bill requires a county board of canvassers to order a  
6 recount in all election districts in a county for a particular  
7 office or nomination if a request for a recount is filed with  
8 the commissioner of that county not later than 5:00 p.m. on the  
9 second day following the board's canvass of the election. The  
10 bill requires the state commissioner of elections to order a  
11 recount of the votes cast for a statewide office, a seat in  
12 the United States Congress, or electors for president or vice  
13 president, or nominations for such offices, in each county  
14 specified in a written request if the request is filed with  
15 the state commissioner not later than 5:00 p.m. on the second  
16 day following the county canvass of the election in question.  
17 A request for a recount shall indicate whether the recount  
18 shall be conducted using only automated tabulating equipment  
19 or by hand following the use of such equipment. If a candidate  
20 requests a hand recount in one county, the bill requires the  
21 candidate to request a hand recount in all counties in which  
22 the candidate requests a recount. The state commissioner  
23 of elections shall assess a civil penalty of \$100 against a  
24 candidate for each county in which the candidate was required  
25 to request a hand recount but did not. The bill requires the  
26 penalty to first be deducted from the recount bond paid by the  
27 candidate and to be deposited in the general fund of the state.  
28 The bill requires a recount board to be convened no later  
29 than 9:00 a.m. on the sixth day following the canvass of  
30 the election. The commissioner shall then inform the board  
31 whether the candidate requested a hand recount. The board  
32 shall direct the commissioner to retabulate the ballots using  
33 the automatic tabulating equipment using the same program as  
34 was used to tabulate the votes on election day unless the  
35 program is believed or known to be flawed. The board shall

1 recount only the ballots which were voted and counted for  
2 the office in question, including disputed ballots. After  
3 retabulating, the board shall compare the results to the  
4 abstract prepared pursuant to the county board's canvass and  
5 note any discrepancies. If the candidate requested a hand  
6 recount, the bill requires the ballots to be separated into  
7 categories and tabulated. The board shall then compare the  
8 results of the tabulation to the results of the canvass and the  
9 automatic recount. If there are discrepancies, the results of  
10 the hand recount shall control. The bill then requires the  
11 board to reseal and preserve the ballots.

12 At the conclusion of the recount, the bill requires the board  
13 to make and file with the county commissioner of elections a  
14 report of its findings, signed by a majority of the board.  
15 The bill requires a recount board to include in its written  
16 report following the conclusion of a recount a full tally  
17 and accounting of ballots reviewed by the board. The report  
18 must allow the county commissioner of elections to correct the  
19 canvass of votes in the manner required by law, if applicable.  
20 The board shall file its report by 17 days after the canvass of  
21 an election for the offices of president and vice president,  
22 by 21 days after the canvass of an election for a state office  
23 or a seat in the United States Congress, and by 13 days after  
24 the canvass of any other election. The bill also requires  
25 the county board of elections to reconvene no later than 27  
26 days following a presidential election to correct any errors  
27 identified by the recount board.

28 The bill requires a petition for a recount of an election  
29 for a public measure to be submitted not later than two days  
30 following the canvass of the votes for the measure rather  
31 than three days. The bill changes the makeup of the recount  
32 board for a public measure by removing a designee named by the  
33 commissioner and a person jointly selected by that person and  
34 a designee named in the petition requesting the recount and  
35 replacing them with two election officials selected by the

1 chief judge of the judicial district where the canvass occurs.  
2 The commissioner shall convene the recount board not later than  
3 9:00 a.m. on the sixth day following the county board's canvass  
4 of the election in question.

5 Under current law, a county commissioner of elections may  
6 conduct an administrative recount if the commissioner suspects  
7 that voting equipment used in the election malfunctioned or  
8 that programming errors may have affected the outcome of the  
9 election, or if the precinct election officials report counting  
10 errors to the commissioner. The bill instead allows the county  
11 commissioner of elections to conduct an administrative audit if  
12 such circumstances exist. The bill allows political parties,  
13 as defined in Code, to appoint observers to witness the audit.

14 The bill changes the clerk of a court of contest for  
15 presidential electors and congresspersons from the secretary  
16 of state to the clerk of the supreme court. If the clerk of  
17 the supreme court is absent or unable to act, the secretary of  
18 state shall be the clerk of the court. For elections for state  
19 officers, the bill changes the clerk of a contest court to the  
20 clerk of the supreme court. If the clerk of the supreme court  
21 is absent or unable to act, the secretary of state shall be the  
22 clerk of the court. However, if the secretary of state is a  
23 party to the contest, the auditor of state shall be the clerk  
24 of the court.

25 The bill takes effect upon enactment.